

REMARKS

The Examiner is thanked for the very thorough and professional office action. Pursuant to that office action, claims 3-12 have been cancelled, and claims 1 and 2 rewritten to more definitely set forth the invention and obviate the rejection. In particular, claim 1 has been amended to incorporate the subject matter of claims 2-9 and 11, and claim 2 has been amended to not is now include the limitations of original claim 10, claims 1 and 2 now believed to patentably distinguish from the prior art of record. In addition, new claims 26-37 have been presented to claim the method of reducing wrinkles achieved by using the skin treatment composition claimed herein. The present amendment is deemed not to introduce new matter. Claims 1-2 and 13-37 are in the application, claims 13-25 having been withdrawn as being directed to a non-elected invention.

Reconsideration is respectfully requested of the objection to the specification. The Abstract has been rewritten and is now believed to fully comply with MPEP 608.01(b).

In addition, paragraph 156 on page 58 has been rewritten to incorporate the subject matter of lines 9-11 on page 58. This is believed to correct this matter.

Reconsideration is respectfully requested of the rejection of Claims 1-12 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been rewritten to exclude the terms the examiner finds objectionable and indefinite. It is therefore believed that claim 1 complies with 35 U.S.C. 112. Withdrawal of the rejection is accordingly respectfully requested

Reconsideration is respectfully requested of the rejection of Claims 1, 5, and 7-9 under 35 U.S.C. 102(b) as being anticipated by Kato, et al.

### THE PRESENT INVENTION

Conventionally, film agents have been used for a skin treatment composition for the purpose of reducing skin wrinkles. A film agent is used because the film shrinks as it dries; the idea is to pull small skin wrinkles with the film-forming contractile force to increase the tension and thus temporarily remove the small wrinkles. For this reason, film agents that have a strong contractile force and form a hard film have been used (see Specification, page 1, lines 16-24).

Known film agents that are blended into a wrinkle reducing agent using such strongly contracting polymers include, for example, polyurethane (see Patent Document 1); also, research has been done to study wrinkle reduction by means of formation of a film having a strong contractile force by using film-forming polymers such as acrylic resins, vinyl acetate resins, polyethylene resins, silicone resins, polyvinyl resins, polyvinyl alcohol, acrylic water soluble resins, cellulose water soluble resins, starch and its derivatives, gelatin, and sodium alginate (see Patent Document 2, for example).

However, when a film agent having a strong contractile force is used, there are problems in that the wrinkle reduction effect is very limited and usability and the sensation during use are poor; this is because as the film agent contracts its adhesion to the skin weakens and it peels off easily from the skin, which is more elastic, and also because hardness of the film causes discomfort during use, premature breakage of the film, and glossy skin (see Specification, page 2, lines 1-24).

The inventors conducted earnest research, and discovered that the aforementioned problems can be solved by preparing a skin treatment composition by blending a water dispersion of a specific polymer, specifically polyurethane and an acrylic polymer, that forms a film having a weak contractile force, thus completing the present invention (see Specification, page 3, lines 18-25).

That is, the present invention is a skin treatment composition having a water dispersion of a polymer in which a non-water soluble film-forming polymer is dispersed in water wherein ingredients of said film-forming polymer are polyurethane having a film shrinkage rate of 20% or less and an acrylic polymer having a film shrinkage rate of 20% or less. (Specification, page 4, lines 16-23)

## THE PRIOR ART

The Kato, et al. reference is concerned with an aqueous resin composition to be used as the back coating of a separable fastener. This aqueous resin composition is used with fibrous sheets so as to present no problem with regard to safety, hygiene, or pollution. This aqueous resin composition provides a separable fastener wherein the component fibers are firmly fixed, and there is little ruffling when the fastener is washed. Further, there is very little ruffling due to bleaching with chlorine, and the fastener also has excellent ability of not whitening due to creasing (see Kato, et al., paragraph [0033]). It should be noted that Kato, et al. refers to creasing of clothing, rather than wrinkling of the skin.

There is no disclosure whatever in Kato, et al. of a skin treatment composition and

method of using same for the reduction of wrinkles. Moreover, there is no disclosure in Kato, et al. of an aqueous resin composition of polyurethane and acrylic polymer wherein the polyurethane has a film shrinkage rate of 20% or less and the acrylic polymer has a film shrinkage rate of 20% or less. On the contrary, that teaching or suggestion comes only from the present application and constitutes an important element or aspect of the present invention.

In the rejection, the examiner alleges that a polyurethane with a film shrinkage of 20% or less and an acrylic polymer with a film shrinkage rate of 20% or less was a composition already known and disclosed by Kato, et al. However, it is noted that the examiner in the rejection has failed to identify any portion of the Kato, et al. patent which discloses the film shrinkage rate of 20% or less of any of the compositions of Kato, et al. Without such a disclosure, it is respectfully submitted that there is no evidentiary basis for concluding that any of the films produced using the aqueous polymer solutions of Kato, et al. would produce a film shrinkage of 20% or less.

As indicated above, claim 1 has been rewritten to incorporate the subject matter of claims 2-9 and 11, with all of the limitations set forth in amended claim 1. It is believed that claim 1 now clearly patentably distinguishes from Kato, et al. Consequently, the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Ramin.

The details of the present invention are discussed above. The Ramin patent is concerned with a cosmetic makeup composition comprising an aqueous dispersion of a polyurethane and a

styrene acrylate. Although the examiner has indicated that Ramin discloses a film shrinkage rate of the polyurethane of 20% or less and a film shrinkage rate of the acrylic polymer of 20% or less, the examiner has again failed to point to any portion of the Ramin patent in support of the examiner's assertion.

Since the MPEP requires an examiner to identify any reference relied upon *as well as any portion of that reference which supports the examiner's rejection*, it must be presumed that Ramin does not actually disclose the film shrinkage rates of polyurethane films and the acrylic films incorporated in the compositions of Ramin. For this reason, it is respectfully urged that the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 1, 5 and 7-10 under 35 U.S.C. 103(a) as being unpatentable over Kato, et al.

The details of the present invention and the deficiencies of Kato, et al. are discussed above.

As indicated above, claim 1 has been rewritten to incorporate the subject matter of claims 2-11. It is respectfully urged that Kato, et al. nowhere discloses a skin treatment composition and method of using same for reducing wrinkles having the composition and properties of the polymers now called for in claim 1. It is therefore respectfully urged that the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is therefore respectfully requested.

Reconsideration is respectfully requested of the rejection of claims 1 and 11 under 35 U.S.C.103(a) under Ramin.

The present invention and the deficiencies of Ramin, et al. are discussed above. It is noted that in the rejection of claim 1 on page 8 of the office action the examiner has indicated that Example 1 of Ramin (machine translation) discloses a composition that is a nail varnish and comprises a styrene acrylate copolymer and a polyurethane. It is respectfully urged in this connection that a nail polish such as disclosed by Ramin would not have the properties needed to effect wrinkle reduction in accordance with the present invention. As pointed out above, the claimed composition effects wrinkle reduction when applied to the skin by forming a film thereon having a weak contractile force (specification, page 3, lines 18-25). Nail polish does not.

For these reasons, it is respectfully urged that the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

It is also respectfully urged that none of the references applied in the office action either anticipate or render unpatentably obvious the subject matter now called for in amended claims 1 and 2, and new claims 26-37.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

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Date: July 10, 2009